

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO PRIORITY

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E.O. 11652:N/A

TAGS: SENV, JA

SUBJECT: DETENTION OF JAPANESE TRANSPORT VESSEL FOR
TECHNICAL VIOLATION OF THE ENDANGERED SPECIES ACT OF 1973

1. REQUEST EMBASSY CONFER WITH JFA OFFICIALS CONCERNING
PROVISIONS OF U.S. ENDANGERED SPECIES ACT OF 1973, IN ORDER
TO ASSURE UNDERSTANDING OF THE RECENT DETENTION AND FINING
OF THE DAIRYO MARU (NO. 113 895) IN PUERTO RICO BE-
CAUSE IT HAD SEI AND FIN WHALE MEAT ABOARD, AND TO MAKE IT
CLEAR THAT SUCH ACTIONS ARE A VIOLATION OF U.S. LAW.

2. ACCORDING TO THE U.S. ENDANGERED SPECIES ACT OF 1973,
"THE TERM 'IMPORT' MEANS TO LANDON, BRING INTO, OR INTRO-
DUCE INTO, OR ATTEMPT TO LAND ON, BRING INTO, OR INTRODUCE
INTO, ANY PLACE SUBJECT TO THE JURISDICTION OF THE UNITED
STATES, WHETHER OR NOT SUCH LANDING, BRINGING, OR INTRO-
DUCTION CONSTITUTES AN IMPORTATION WITHIN THE MEANING OF
THE CUSTOMS LAWS OF THE UNITED STATES." USG LISTS FIN,
SEI, SPERM, BLUE, GRAY, RIGHT AND BOWHEAD WHALES ON THE
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ENDANGERED SPECIES LIST.

3. U.S. ENFORCEMENT AGENTS IN PUERTO RICO FOUND THAT THE DAIRYO MARU WAS CARRYING 28,440 CASES OF WHALE MEAT INCLUDING MEAT OF FIN AND SEI WHALES (BOTH OF WHICH ARE LISTED AS ENDANGERED SPECIES). USG CONSIDERED PRESENCE OF DAIRYO MARU IN AREA UNDER JURISDICTION OF U.S. TO BE ONLY A TECHNICAL VIOLATION OF U.S. ENDANGERED SPECIES ACT OF 1973. THEREFORE VESSEL ONLY DETAINED BRIEFLY, CHARGED MINIMUM FINE OF \$5,000 AND RELEASED ON MARCH 25. ANY FUTURE INCIDENT OF THIS NATURE WOULD HAVE TO BE CONSIDERED A MORE SERIOUS VIOLATION AND WOULD BE SUBJECT TO THE FULL RANGE OF FINES IN THE U.S. ENDANGERED SPECIES ACT OF 1973. FINES COULD BE AS HIGH AS \$20,000 AND OTHER ACTION COULD INCLUDE SEIZURE AND FORFEITURE OF THE ENDANGERED SPECIES PRODUCTS AND THE VESSEL INVOLVED.

4. FYI. STRONG INTEREST IN CONSERVATION MATTERS IN GENERAL, AND THE PRESERVATION OF WHALES IN PARTICULAR, ENSURE THAT IF ANY SIMILAR CASES ARISE IN THE FUTURE THERE WILL BE CONSIDERABLE PRESSURE FROM CONGRESS AND CONSERVATION GROUPS TO APPLY FULL FORCE OF LAW. MORE DETAILED AIRGRAM ON THIS SUBJECT FOLLOWS. END OF FYI. KISSINGER

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